Remarks and Arguments

Claims 1-30 were presented for examination.

Claims 1-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to satisfy the written description requirement. The examiner comments that claims 1, 11, and 21 were amended to include the phrase "wherein words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content". The examiner claims that this wording is new matter that was not disclosed originally.

Applicant respectfully disagrees with the examiner. The phrase "wherein words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content" was added in order to clarify the meaning of the term "fragmenting" which was recited in claims 1, 11 and 21. While the exact phrase "wherein words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content" is not present in the specification, the specification as filed clearly requires that the fragmenting which takes place during the scrambling process be performed in a manner that words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content. For example, the Summary of the Invention section at page 3, line 1 (paragraph [08]) states:

"In one embodiment, the scrambling process breaks a text stream derived from the content document into two to five word phrases, randomizes the phrases and creates a text file from the randomized stream. This process produces a scrambled text file that contains nearly all of the words in the original document and most of the phrases … so that search algorithms that search on particular words or phrases produce nearly the same number of hits as with the plain text file"

This passage indicates that the text is broken into phrases and the phrases are randomized, not the words in the phrases. If the words in each multi-word phrase were themselves scrambled and did not "remain arranged in an order that is the same as an order in which those words are arranged in the digital content", then the scrambled text file would not contain most of the

phrases in the original document. Therefore, one of the key features of the invention - "search algorithms that search on particular words or phrases produce nearly the same number of hits as with the plain text file" as set forth in the specification, would not be accomplished. Therefore, applicant believes that one skilled in the art would interpret the term "fragmenting" as recited in the specification as meaning breaking the text into phrases where the words in the phrases remain arranged in an order that is the same as an order in which those words are arranged in the digital content. Accordingly, the rejection under 35 U.S.C. §112, first paragraph, is hereby respectfully traversed.

Claims 1-30 have been rejected under 35 U.S.C. §103(a) as obvious over an article entitled "Efficient Representation and Streaming of XML Content Over the Internet Medium" (Giradot) in view of U.S. Patent No. 6,340,977 (Lui, previously cited.) The examiner comments that Giradot discloses all of the recited limitations with the exception that it does not explicitly discuss "multi-word" phrases. However, the examiner asserts that the Lui reference discloses assembling multi-word phrases into sentences and expressions. The examiner concludes that it would have been obvious to combine the teachings of Giradot and Lui in order to provide a mechanism to generate phrases and sentences while reducing data production.

The Giradot article is directed to a method and apparatus for encoding XML documents containing large content data files so that the encoded documents can be efficiently streamed over the Internet to a destination and then decoded after arrival at the destination. The encoding disclosed in Giradot involves fragmenting the XML document tree into subtrees, each subtree having a priority. The subtrees together with a document structure that represents the XML document are then streamed from a streaming server to a client in a pre-decided order; generally subtree fragments with higher priority are sent before subtree fragments with lower priority. At the destination, the document is reassembled by using the document structure streamed into the destination to reconstruct the document structure. Each fragment streamed into the destination

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is then identified via a label attribute assigned to the fragment when it is created and placed into the reconstructed document structure.

The examiner states that the Giradot article discloses randomly assembling the fragments into a scrambled document. However, this cannot be the case, because the purpose of the Giradot system is to stream a document to a destination and then to reconstruct the document at the destination. If the fragments were randomly assembled at the source, it would not be possible to reconstruct the document at the destination. From the Giradot description in paragraph 3.1 (page 68, second column) it is clear that the client at the destination reconstructs the document structure (a document object model or DOM tree) from the structure information transmitted to it. From paragraph 2.3 (also on page 68, first column) it is clear that the streaming order is also prearranged.

The Lui reference has been discussed in detail in the response filed on February 15, 2008 and discloses assembling multi-word phrases from stored words in order to generate human readable, or at least human understandable, comments. This arrangement allows a great variety of comments to be assembled from a predetermined stored list of words thereby reducing the storage necessary since different comments using the same words do not require the words to be stored multiple times.

However, in both Giradot and Lui, the end result is to produce text that is understandable by either a human or, in the case of an XML document, by a computer and thus eventually by a human. Therefore, the combination proposed by the examiner would produce a system that generates documents with multiword phrases which are understandable in some form to a human.

In the present invention, words are extracted from a text stream created from the content document and used to form phrases. The phrases are then **randomly** assembled (see, for example, claim 1, line 8). The purpose of the random assembly is to allow the scrambled content to be made publically available for indexing by conventional search engines but not to allow the content to be available as plain text. By this mechanism the document content can be kept secure (see the present specification at page 2, lines 28-30). The phrases in documents produced by the

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Giradot and Lui combination would not be randomly assembled as recited in the claims. The Giradot/Lui documents can be reassembled after streaming, but the reassembled content would not be secure. Thus an important feature of the invention would not be achieved. Consequently, claim 1, and claims 11 and 21, which recite the same language patentably distinguish over the cited combination of Giradot and Lui.

The remaining claims are all dependent on one of claims 1, 11 and 21 and incorporate the limitations of their parent claims. Therefore, they also distinguish over the cited reference combination in the same manner as their parent claims.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, he is invited to call applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 50-3969.

Respectfully submitted

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